



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Nevada State Office  
1340 Financial Boulevard  
Reno, Nevada 89502-7147  
<http://www.blm.gov/nv>



RA 6/24/16

In Reply Refer To:  
2540 (NV0930)  
N-91521

**JUN 16 2016**

CERTIFIED MAIL: 9171 9690 0935 0018 6002 82 - RETURN RECEIPT REQUIRED

## DECISION

Northern Comstock, LLC  
1200 American Flat Road  
Virginia City, Nevada 89440

:  
:  
:

Color-of-Title Application

### Payment of Purchase Price Required

The Bureau of Land Management, Sierra Front Field Office (BLM), has completed a Categorical Exclusion (CX) pursuant to the National Environmental Policy Act (NEPA) for a Class 1 Color-of-Title claim (N-91521) filed on June 8, 2012, by Northern Comstock LLC pursuant to the Color-of-Title Act of December 22, 1928 (45 Stat. 1069), as amended by the Act of July 28, 1953 (67 Stat. 227, 43 U.S.C. 1069, 1069a, 1069b) to claim the following 23.76 acres of land:

Mount Diablo Meridian, Nevada  
T. 16 N., R. 21 E.,  
sec. 5, lot 24;  
sec. 6, lot 13.

The CX is available at the following website: <https://eplanning.blm.gov/epl-front-office/eplanning/projectSummary.do?methodName=renderDefaultProjectSummary&projectId=60734>

It has been determined that the Northern Comstock LLC has a bona fide Class 1 Color-of-Title claim (i.e. public land held in good faith and in peaceful adverse possession by the claimant, their ancestors or grantors, under claim or color of title more than 20 years, on which valuable improvements have been placed). Accordingly, the land described above is offered to the Northern Comstock LLC subject to the following conditions:

1. In accordance with 43 CFR 2541.4, the purchase price of the land has been determined to be \$42,073.68 based upon a recent appraisal of the fair market value of the land and deducting the equities of the applicant. The Color-of-Title Act required that the property be sold for no less than \$1.25 per acre.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

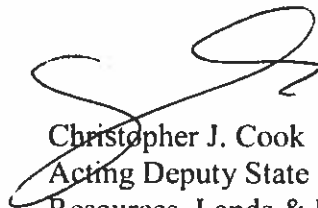
If you wish to file a petition for stay of the effectiveness of this decision pursuant to regulations 43 CFR 2541, it must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed in this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If you have any questions, please contact Victoria Wilkins, Assistant Field Manager, at (775) 885-6198.

  
Christopher J. Cook  
Acting Deputy State Director  
Resources, Lands & Planning

Enclosures:

- 1- Lot 51 Color-of-Title Worksheet (1 pp)
- 2- Form 1842-1 (2 pp)

cc: NVC0200 (Bryant Smith)

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you.
- AND
2. You believe it is incorrect.

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED:

1. **NOTICE OF APPEAL....**A person served with the decision being appealed must transmit the *notice of appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the Federal Register, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413). You may state your reasons for appealing, if you desire.
2. **WHERE TO FILE NOTICE OF APPEAL**

U.S. Dept. of the Interior Office of the Secretary Office of Hearings & Appeals Board of Land Appeals 801 North Quincy St., MS 300-QC Arlington VA 22203 (703) 235-3750	U.S. Dept. of the Interior Office of the Solicitor Pacific Southwest Region 2800 Cottage Way, Room E-2753 Sacramento CA 95825-1890 (916) 978-5670	U.S. Dept. of the Interior Bureau of Land Management 5100 E. Winnemucca Blvd. Winnemucca, NV 89445 (775) 623-1500
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3. **STATEMENT OF REASONS....**Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the **United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy St., MS 300-QC, Arlington, VA 22203**. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413). Also send a copy to: **U.S. Dept. of the Interior, Office of the Solicitor, Pacific Southwest Region, 2800 Cottage Way, Room E-2753, Sacramento CA 95825-1890**.
4. **ADVERSE PARTIES....**Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended, service will be made upon the Associated Solicitor, Division of Land and Water Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. If the decision concerns the use and disposition of mineral resources, service will be made upon the Associate Solicitor, Division of Mineral Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240.
5. **PROOF OF SERVICE....**Within 15 days after any document is served on an adverse party, file proof of that service with the **United States Department of the Interior, Office of the Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy St., MS 300-QC, Arlington, VA 22203**. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)(2)).
6. **REQUEST FOR STAY....**except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2804.1). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards For Obtaining A Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) The likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

# COLOR OF TITLE EQUITY WORKSHEET

See Benton C. Cavin, 83 IBLA 107 (1984)

STEP 1. APPRAISED LAND AT FAIR MARKET VALUE (FMV) = \$ 115,000.00

STEP 2. DEDUCT FROM FMV

(1) Value Resulting from Improvements (if included in FMV) = \$ 0.00

(2) Amount Applicant Paid for Land (not including improvements) = \$ 28,871.69  
[SUBTOTAL 1] \$ 86,128.31

STEP 3. DEDUCT EQUITIES (as % of SUBTOTAL 1)

(1) Longevity of Applicants Claim = 1.67 %  
Number of years x 0.4175 (max. = 16.7%)

(2) Payment of Fair Market Value = 16.7 %  
if clearly paid = 16.7%  
if questionable = 8.4%  
if clearly not FMV = 0%

(3) Reasonableness of Belief in Good Title = 16.7 %  
if clearly reasonable = 16.7%  
if questionable = 8.4%  
if clearly not FMV = 0%

(4) Length of Time of Chain of Title = 3.84 %  
Number of years x 0.167 (max. = 16.7%)

(5) Length of Payment of Taxes in Chain = 3.84 %  
Number of years x 0.167 (max. = 16.7%)

(6) How Errors in Title Arose = 8.4 %  
if clearly fault of private parties = 0  
in all other cases = 16.7%  
combination of private & others = 8.4%

(7) Other Factors (which in the spirit of fairness, a court of equity would recognize) = 0 %

(8) TOTAL % ALLOWED (ADD #'s 1 thru. 7) = 51.15 %

DEDUCT (Total % Allowed x SUBTOTAL 1) = \$ 44,054.63

TOTAL DEDUCTIONS for Equities [SUBTOTAL 2] = \$ 44,054.63

STEP 4. FINAL PURCHASE PRICE (FMV less Total Deductions for Equities) = \$ 42,073.68

STEP 5. COMPLETE ONLY IF MINIMUM PRICE is less than \$1.25 PER ACRE

N/A ACRES x \$1.25 = \$ N/A